

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**PETE PEREZ**  
**Plaintiff**

**VS.**

**PHILLIP HANO AND CERA HANO**  
**Defendants**

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**CIVIL ACTION NO. 5:19-cv-38**

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1446(a) DIVERSITY**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

PLEASE TAKE NOTICE that Defendants, Phillip Hano and Cera Hano, HEREBY FILE THEIR NOTICE OF REMOVAL, and Removes this matter to this Court the state court action described below:

1. On July 26, 2018, an action was commenced in the County Court at Law #3 of the State of Texas in and for Bexar County, Texas, entitled *Pete Perez vs. Phillip Hano and Cera Hano*, as Cause Number 2018CV04379. On November 6, 2018, Plaintiff filed his First Amended Original Petition. A copy of Plaintiff's First Amended Original Petition is attached hereto as Exhibit "A".
2. Defendants were served with Plaintiff's First Amended Original Petition on December 17, 2018.
3. Defendants filed an Original Answer on December 27, 2018, a copy of which is attached hereto as Exhibit "B".
4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. §1332 (a) in that it is a civil action between citizens of states other than Texas and citizens or subjects of a foreign state, and the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs. Plaintiff's claims are based on alleged injuries suffered by Plaintiff as a result of an alleged automobile and pedestrian accident. Plaintiff alleges that the Defendant Cera Hano struck the Plaintiff with a vehicle owned by Defendant Phillip Hano.

5. Defendants are informed and believe that Plaintiff is a resident of the State of Texas as alleged in his First Amended Original Petition.
6. Defendants, Phillip Hano and Cera Hano, were, at the time of the filing of this action, and still are, citizens of the State of Georgia.
7. Removal is proper because there is complete diversity between the parties under 28 U.S.C. §1332(a).
8. Defendants are removing this case within the 30-day period stipulated by the rules.
9. All pleadings, process, orders, and all other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).
10. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place in which the removed action has been pending.
11. Defendants will promptly file a copy of this notice of removal with the clerk of the state court in which the action is pending.
12. In accordance with 28 U.S.C. §1441(a), this matter is being removed to U.S. District Court for the Western District of Texas, San Antonio Division because this court is the court for the district and division embracing the place where such action is pending, i.e., San Antonio, Texas.

Respectfully submitted,

**PAUL GARCIA & ASSOCIATES**

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*By: /s/ Gabriel E. Pytel* \_\_\_\_\_

GABRIEL E. PYTEL

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent in accordance with the Texas Rules of Civil Procedure, on this **14<sup>th</sup> day of January, 2019 to:**

**SERVED VIA: [No-Reply@eFileTexas.com](mailto:No-Reply@eFileTexas.com) and Email**

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***Attorney for Plaintiff***

***By: /s/ Gabriel E. Pytel***\_\_\_\_\_  
GABRIEL E. PYTEL